



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CAO
F. #2011R01982

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 12, 2015

By Hand and ECF

The Honorable Sterling Johnson, Jr.
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Securities and Exchange Commission v. Mohammad Dolah and Cort Poyner, 13CV4331 (SJ) (VJS)

Dear Judge Johnson:

I write to advise you about the status of the related criminal matter and to request an adjournment of the upcoming status conference. See United States v. Cort Poyner, et al., 13 CR 452 (ENV) (S-1). As the Court recalls, on January 14, 2014, the Court granted the government's motion to intervene in this civil matter and to stay discovery based upon the existence of that criminal matter. The Court also set a status hearing for October 17, 2014 and Magistrate Judge Scanlon ordered the parties to provide updates within 10 days of any changes in the stay. Mindful of both orders, the government hereby informs the Court that: (1) on January 6, 2015, Judge Vitaliano held a status hearing in defendant Poyner's criminal matter and (2) Chief Judge Carol B. Amon has scheduled defendant Dolah's criminal status conference for January 29, 2015. Judge Vitaliano set the next status conference for Poyner on Friday, March 6, 2015 and contemplates a September 2015 trial date. It is very unlikely that Dolah's case will conclude until after that companion criminal case. Therefore, the parties have few substantive updates to provide to the Court on January 16, 2014.

For these reasons, the government submits that the Court should consider rescheduling the status conference in the above-captioned case to some date after Monday, March 9, 2015, which will enable the parties to better update the Court. The government has conferred with counsel for the SEC and criminal counsel for the two defendants and they

have no objection to the adjournment of the January 16, 2015 status conference to some date after March 9, 2015.

Please do not hesitate to contact me if you have any concerns or questions.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

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CC:
Counsel for the SEC (by ECF and Email)
Counsel for Cort Poyner (by ECF and Email)
Counsel for Mohammad Dolah (by ECF and Email)

The Honorable Vera Scanlon (Via ECF and Hand Delivery)
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201